

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

LEONA BENTEN, on behalf of herself
And all others similarly situated,

Plaintiff,

-versus-

No. 92-CV-3161 (CPS)

DAVID KESSLER, in his official capacity
as Commissioner of the Food and Drug
Administration, CAROL HALLETT, in her
official capacity as Commissioner of
the Bureau of Customs, ANTHONY LIBERTA,
in his official capacity as Regional
Commissioner of Customs for New York,
and ROBERT K. HERING, FDA Compliance
Officer,

**Plaintiff's Motion for Voluntary
Dismissal**

Defendants.

Plaintiff's Motion for Voluntary Dismissal

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff respectfully requests that this action be dismissed. Plaintiff's motion for summary judgment has been pending without decision since May 31, 1995. Plaintiff's claims for injunctive relief were effectively rendered moot by the Food and Drug Administration's approval of Mifeprex, also known as mifepristone and RU-486, for sale in the United States on September 28, 2000. Plaintiff declines to pursue her claims for damages any further.

Respectfully submitted,
/s/ Stephanie Toti
Stephanie Toti
Bar No. 4270807
Center for Reproductive Rights
120 Wall Street, 14th Floor
New York, NY 10005
(917) 637-3600

Counsel for Plaintiff

CERTIFICATE OF SERVICE

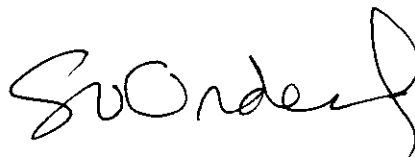
The undersigned hereby certifies that, on December 12, 2008, a true and correct copy of **Plaintiff's Motion for Voluntary Dismissal** was electronically filed with the Clerk of Court through the CM/ECF system. In addition, a hard copy of the motion was sent via first-class mail to the following individuals:

Drake Cutini
U.S. Dept. of Justice
450 5th Street, NW
Sixth Floor South
Washington, DC 20001

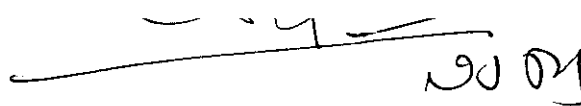
Paul Terry Weinstein
Emmet, Marvin & Martin, LLP
120 Broadway
32nd Floor
New York, NY 10271

Benton J. Campbell
United States Attorney,
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

Dated: New York, NY
December 12, 2008



s/Hon. Charles P. Sifton



/s/ Stephanie Toti
Stephanie Toti
Center for Reproductive Rights
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